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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SAMUEL L. JONES JR.,

Plaintiff,

-against-

INFINITY BROADCASTING CORPORATION
OF WASHINGTON, D.C. n/k/a CBS RADIO INC.
OF WASHINGTON, D.C.,

Defendant.

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INFINITY BROADCASTING CORPORATION
OF WASHINGTON, D.C. n/k/a CBS RADIO INC.
OF WASHINGTON, D.C.,

Counterclaimant and Third-Party Plaintiff,

-against-

SAMUEL L. JONES JR.,

Counterclaim Defendant, and

RADIO ONE, INC.

Third-Party Defendant.
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No. 07 Civ. 5693 (BSJ/AJP)

REPLY DECLARATION OF
EVERESTUS THOMAS

EVERESTUS THOMAS hereby declares as follows:

1. The PBMC Comedy Show scheduled for September 8, 2007 at the Hyatt Regency in Crystal City was cancelled because we were unable to come up with a radio promotion mutually acceptable to both CBS and the promoters within a time frame sufficient to avoid a financial fiasco. In such regard, several points should be made.

2. Personal appearances at clubs or theatres by topical comedians such as Huggy Lowdown will be successful only if properly promoted. Although promotions include the use of brochures, newspaper ads and exposure on websites, such promotional vehicles are all secondary, or supplementary, to radio promotions. In my substantial experience as a promoter, a successful promotion must include radio spots intended for the targeted audience.

3. In most instances, and certainly in 60-second commercials, such spots should include "sound bites" from the show's headliners -- so that the audience knows what to expect. The primary roadblock to reaching a radio promotion acceptable to CBS Radio involved the promoters' desire to use "sound bites" from Jones' comedy routines.


4. The reason that the Comedy Throwdown was not on the PBMC website was because of uncertainty as to what promotions were permissible because of the injunction. Although CBS Radio suggests the Comedy Throwdown was not scheduled for September 8, my understanding is that CBS Radio's representatives contacted the Hyatt Regency directly and confirmed such booking.

5. I am informed by Mr. Richards that because of his submission of a Declaration, advertisements for other events promoted by his organizations (PBMC and TRG) will not be accepted by CBS Radio's WPGC. To avoid any additional harm to Mr. Richards because of his joint promotion of Huggy Lowdown, Mr. Richards told me he does not intend to participate in any further promotions of Huggy Lowdown until this case is resolved unless we can obtain clarification of the type of permissible radio promotions.

6. I have taken steps to unilaterally promote the next personal appearance of Mr. Jones. Although my arrangements have not yet been finalized, I expect that such personal appearance will take place in October at either the Lincoln Theatre in Washington, D.C. or at the Hyatt Regency, in Crystal City. Without being able to promote such appearance on radio, with sound bites from Mr. Jones' routine, broadcast to the intended audience, such personal appearance is not likely to be commercially successful.

I declare under penalty of perjury that the foregoing is true and correct.

Executed under penalty of perjury at Rockville, Maryland on August 30, 2007.



EVERESTUS THOMAS